

## INSTRUCTIONS FOR PREPARATION

### ALL REPORT FORMS

#### I. MATHEMATICAL ACCURACY AND CONSISTENCY

**A. Mathematical Accuracy.** Reports will be considered mathematically accurate if the tests set forth in divisions (A)(1) through (A)(3) are met.

1. The sum of cases pending on the first day of the period, new cases filed, and cases transferred in, reactivated, or redesignated, minus the total cases terminated, **must** equal the cases pending at the end of the period.

2. The sum of cases in every column on a given line **must** equal the cases in the Total column for that line.

3. Where a Total column intersects a Total line, the entry **must** be the same, whether arrived at by adding horizontally or vertically.

**B. Month to Month Consistency.** The number of cases reported to be pending at the end of any reporting period **must** equal the number of cases reported as pending at the beginning of the next reporting period.

**C. Correction of Reporting Errors.** When errors are discovered on any report that has been submitted to the Court Statistical Reporting Section of the Supreme Court of Ohio, the preparer shall submit a corrected report for the same reporting period and clearly indicate on the face of the report that it is corrected. The preparer shall explain the nature of the error or errors being corrected and shall specifically refer to the line number and column letter designations of the erroneous entry or entries.

Where an error can not be traced to a specific report period, adjustments shall be made on the current report form. Time guidelines shall be computed based on the original filing date. In accordance with I. B. above, the number of cases reported as pending at the end of any reporting period will **always** equal the number of cases reported as pending at the beginning of the next reporting period even when adjustments are necessary.

#### II. COMPREHENSIVENESS AND COHERENCE: PREPARATION OF THE REPORTS

While mathematical accuracy and internal consistency may be controlled by thorough auditing, comprehensiveness (reporting the filing and terminations of all cases) and coherence (all courts consistently defining and reporting cases with similar fact patterns in a similar way) can be accomplished only by carefully observing the definitions applicable to each column and line.

### III. COURT OF COMMON PLEAS-GENERAL DIVISION-FORM A

A. Each judge of the court of common pleas responsible for the disposition of cases in the general division is required to complete Form A.

B. Form A shall be completed monthly and submitted to the administrative judge, who signs the form and sends it to the Court Statistical Reporting Section of the Supreme Court of Ohio. The form must be received by the Reporting Section by the fifteenth day of the next month.

#### C. Report Columns - Definitions

Each column on Form A is marked with an alphabetic designator. These letters, when used with the horizontal line numbers, may be used to identify any entry.

When a civil case may be reported in more than one column, it shall be reported **only** in the column that represents the **principal** issue in controversy. When a complaint is drafted in the alternative, the case may be entered only once; court personnel will be required to use their best judgment as to categorization. Since it is not always possible to determine the principal issue, there will be instances in which arbitrary decisions will have to be made when deciding the proper column for reporting a particular case. This decision should be made based upon information from the attorney or party filing the complaint along with the experience of the court personnel in dealing with similar facts.

If subsequent pleadings or case activity indicate that an incorrect classification initially was made, the case should be terminated on line 18 and reentered on line 3 in the proper column as a redesignated case.

The following definitions describe the types of cases that should be reported in each column.

1. Professional Tort - Column A. This category is used for cases that involve allegations of malpractice by a person acting in a professional capacity, such as a doctor, lawyer, or engineer.

2. Product Liability - Column B. This category is used for cases that involve the alleged responsibility of the manufacturer or seller of an article for injury caused to person or property by a defect in or condition of the article sold, or an alleged breach of duty to provide suitable instructions to prevent injury.

3. Other Torts - Column C. This is a residual category to be used for those tort cases that cannot be classified as Professional Tort or Products Liability. Examples would include automobile tort cases, as well as tort cases involving air and water transportation.

A tort is an injury or wrong committed either against a person or against a person's property by a party who either did something that he or she was obligated not to do, or failed to do something that he or she was obligated to do.

4. Workers Compensation - Column D. A case reported in this category is one brought pursuant to section 4123.519 of the Revised Code, which is an appeal of a decision by the Industrial Commission in any injury or occupational disease case, other than a decision as to extent of disability. This category also includes noncompliance actions by the state for the recovery of benefits or premium, as well as mandamus actions arising from claims or awards.

5. Foreclosures - Column E. This category is used for cases that involve the enforcement of a lien, mortgage, trust deed, or other similar instrument in any method provided by law. A case will be reported as terminated upon filing of foreclosure entry. Whether the case proceeds to the sale of the property has no influence on the termination of the case for reporting purposes.

6. Administrative Appeal - Column F. This category is used for cases that are appealed from a decision of an administrative agency.

For reporting purposes, an administrative agency is defined as a non-judicial unit of government that is charged with overseeing the implementation, execution, and administration of particular legislation.

7. Complex Litigation - Column G. This category is for those extraordinary civil cases that involve novel or complicated issues of law or fact, and that are not likely to be resolved within the time guidelines established for other cases. An unusually large number of parties does not alone justify inclusion in this category. In determining whether a case should be filed in this category, the administrative judge must consider all factors outlined in Sup. R. 42.

New cases should not be recorded in this column when they are initially filed. A case may only be designated as Complex Litigation by the administrative judge upon the request of the assigned judge pursuant to Sup. R. 42.

8. Other Civil - Column H. This is a residual category used for civil cases that cannot be identified as belonging in the other listed civil classifications (Columns A-G). Ancillary proceedings are not reported as cases in this or any other column on the report.

9. Criminal - Column I. This category is used for those cases in which a defendant is charged with the violation of a state law or local ordinance other than a traffic law or ordinance. The reporting of criminal cases corresponds to the number of defendants; count multiple charges against one defendant as one case.

10. Total - Column T. This column shows the sum of cases in Columns A through I that are on any horizontal line of the form. An entry should appear on each line of this column except line 22. If no activity is reported in any column on a line, a zero should appear in the Total column for that line.

11. Visiting Judge - Column V. This column is used to record the activity of a visiting judge, retired assigned judge, or judge assigned from another division of the court, or from another court, who has presided during the reporting period over cases originally assigned to the reporting judge.

During the reporting period, the visiting or assigned judge should use a copy of Form A as a worksheet to record his or her activity. These worksheets can then be given to the originally assigned judge at the end of the reporting period, who will tabulate the numbers and include the totals in Column V on his or her report. The Form A filed with the Court Statistical Reporting Section would thus include all of the activity of the reporting judge, as well as all activity performed by judges who assisted the reporting judge during the reporting period.

All case terminations performed by visiting judges will be recorded in the Visiting Judge column (Column V) of the Form A filed by the originally assigned judge. Thus a case may be reported twice: once in Columns A through T for the reporting judge, and once in Column V if work was performed on that case by a visiting judge.

In many situations, no entries will appear in Column V for Lines 1 through 4 and 20 through 23. Generally, a visiting or assigned judge will not have cases specifically assigned to him or her in another court and these lines will not be applicable.

However, in other situations, a visiting or retired assigned judge may be responsible for specific cases in a particular court and the information reflected on Lines 1 through 4 and 20 through 23 would be useful to report. For example, if the entry in Column V for Line 21 (Cases Pending Beyond Time Guideline) is a high percentage of the number of cases pending at the end of the period (Line 20) reported in the same column, that would indicate that the visiting judge or judges have been unable to terminate cases for which they have been given responsibility within the applicable time guidelines. The reporting judge and the administrative judge would then have the information necessary to take appropriate corrective action.

The rationale for completing Lines 1 through 4 and 20 through 23 in Column V is thus the same as that for having the originally assigned judge complete these lines: the entries on these lines can be used to identify areas that may need attention or additional resources.

#### **D. Report Lines - Definitions**

Each line on Form A is marked with a numeric designator. These numbers, when used with the vertical column letters, may be used to identify any entry.

The following definitions describe the types of case activity that should be reported on each line.

1. Pending Beginning of Period - Line 1. All cases pending at the beginning of the reporting period must be reported in the appropriate column on this line. Line 1 **must** be the same as Line 20 (Pending End of Period) of the Form A filed for the preceding month.

2. New Cases Filed - Line 2. All new cases filed and assigned to the reporting judge during the month must be reported in the appropriate column on this line.

For reporting purposes, criminal cases are to be assigned upon arraignment (Sup. R. 36).

3. Cases Transferred In, Reactivated, or Redesignated - Line 3.

(a) A case previously assigned to another judge and transferred to the reporting judge is reported in the appropriate column on this line. For example, this line is used when the reporting judge receives a case because of the recusal or disqualification of the originally assigned judge. The indicated time period for termination is computed based on the date the case was assigned to the original judge.

(b) All cases individually assigned to the reporting judge that previously have been terminated other than on the merits of the case are to be reported in the appropriate column on Line 3 during any month in which they are reactivated for further proceedings.

A criminal case previously terminated because of the unavailability of the accused is reactivated and reported on this line if the accused subsequently becomes available. The indicated time period for termination is suspended for the period of time in which the accused is unavailable for trial or sentencing.

A case previously terminated because of a bankruptcy stay or interlocutory appeal (Line 17), is reactivated and reported in the appropriate column on this line, if the stay is lifted or the case is remanded. The indicated time period for termination is suspended for the period of time in which the stay is effective or the appeal is pending.

(c) A case previously terminated on the merits and subsequently remanded from a court of appeals or the Supreme Court is reactivated on Line 3 in the appropriate column. The indicated time period for termination begins upon reactivation.

(d) A case initially may be reported in a particular column and it later may become apparent that the case should be classified in a different category. In that event, the case should be recorded as terminated on Line 18 and reported as a redesignated case in the appropriate column on this line. The indicated time period for termination is computed based on the date the case originally was assigned to a judge.

For example, a case may be filed and reported in Column A as a Professional Tort. Subsequently, it may become apparent that the case meets the criteria of Complex Litigation and is so designated by the administrative judge pursuant to Sup.R. 42. In that situation, the case would be reported as terminated on Line 18 (Other Terminations), Column A, and entered as a redesignated case in Column G of this line.

(e) Parole violations, shock probations, probation violations, and other post-decree motions do not reactivate a case for reporting purposes.

4. Total - Line 4. The sum of Lines 1, 2, and 3 in each column should be reported on Line 4. When added horizontally, the sum of the entries on Line 4 in Columns A through I **must** equal the sum of Lines 1, 2, and 3 in Column T.

## TERMINATIONS

For reporting purposes, a civil case is considered terminated when a judgment entry is filed with the clerk of court for journalization. A criminal case is considered terminated for reporting purposes when a sentencing entry is filed with the clerk of courts for journalization. Multiple count or charge cases shall not be reported as terminated until all counts or charges are terminated.

5. Jury Trial - Line 5. This line is used to report the cases in each category that were terminated as a result of a jury trial. A case is considered terminated by jury trial if judgment is rendered after the jury has been impaneled. All cases in which a jury has been impaneled and judgment is entered are reported as terminated by jury trial whether or not a verdict is returned by the jury. Thus, a civil case that is settled or dismissed after the jury has been impaneled or a criminal case in which the defendant changes his or her plea or that is dismissed after the jury has been impaneled is reported on Line 5 at the conclusion of the proceedings.

A “hung jury” may be included as a termination if the case is not going to be immediately retired.

6. Court Trial - Line 6. This line is used to report the cases in each category that are terminated as a result of a trial to the court. A case is considered terminated by court trial if judgment is rendered after the first witness has been sworn. Thus, a civil case that is settled or dismissed after the first witness has been sworn, or a criminal case in which the defendant changes his or her plea or that is dismissed after the first witness has been sworn, is reported on this line at the conclusion of the proceedings.

7. Settled or Dismissed Prior to Trial - Line 7. This line is used to report the cases in each category that are settled or dismissed after a pre-trial but prior to trial.

A criminal case should be reported on this line if, during or after a pre-trial conference, but prior to the swearing of the jury, or the swearing of the first witness in the absence of a jury, the case is dismissed. Crim. R. 48 dismissals may be reported on this line.

Line 7 is not used to report the termination of a criminal case by reason of plea bargaining. Terminations as a result of plea bargaining are reported on line 13.

A civil case should be reported on this line if the case is terminated by settlement or withdrawal of the complaint during or after the pre-trial conference, but prior to the swearing of the jury or the swearing of the first witness in the absence of a jury.

8. Dismissal - Line 8. Any case that is dismissed with or without prejudice and not reported on another line should be included on this line.

Where a defendant is found to be not guilty by reason of insanity (NGRI), the case appropriately may be reported as terminated on Line 8, if previous termination lines do not apply (i.e. no jury impaneled, no witness sworn, etc.) and no further action will be taken.

9. Dismissal for Lack of Speedy Trial or Want of Prosecution - Line 9. Criminal cases that are dismissed for failure of the accused to receive a speedy trial pursuant to section 2945.73 of the Revised Code and civil cases dismissed for want of prosecution pursuant to Sup. R. 40 are reported on this line. All Civ. R. 41 dismissals may be reported on this line.

10. Magistrate - Line 10. Cases that have been terminated by the use of a magistrate are reported on this line. This may include trials if a magistrate presided over the proceedings. Bifurcated proceedings that are terminated as a result of some proceedings presided over by a magistrate and a judge will not be terminated on this line.

11. Diversion or Arbitration - Line 11. In criminal cases where diversion has occurred after arraignment on the indictment or information but not as a condition of a sentence placing the accused on probation, the final discharge of the accused is reported on this line.

A case where a defendant enters a treatment program in lieu of conviction appropriately may be terminated on Line 11 if previous lines do not apply. If diversion is unsuccessful and the defendant returns to court for sentencing, the case will be reported as reactivated on Line 3. The indicated time period for termination is suspended for the period of time the defendant is in treatment.

In a court that has adopted a mandatory arbitration rule under the provisions of Sup. R. 15, the final termination of a civil case is reported on this line. The referral of the case to arbitration does not constitute a termination. A case is reported as terminated by arbitration only after a report and award has been filed by the arbitrator or arbitration panel and the period for the filing of an appeal or exception as specified in Sup. R. 15 (thirty days) has expired.

12. Guilty or No Contest Plea to Original Charge (criminal) / Default (civi) - Line 12. Cases in which the accused has entered a plea of guilty or no contest to all of the the charges contained in the charging instrument are reported in the appropriate column on this line. If either a jury or witness is sworn prior to the entry of the plea, the case is reported in the appropriate column on Line 5 or 6.

13. Guilty or No Contest Plea to Reduced Charge - Line 13. Cases in which the accused has entered a plea of guilty or no contest to a charge or charges with less than total potential penalties than that contained in the original charging instrument are reported in the appropriate column on this line. If either a jury or witness is sworn prior to the entry of the plea, the case is reported in the appropriate column on Line 5 or 6.

14. Unavailability of Party for Trial or Sentencing - Line 14. Cases that are terminated, for reporting purposes, because a party is not available for trial or sentencing are reported on line 14. For example, a defendant may be unavailable because of mental status, incarceration on other charges, or flight from prosecution or custody. The failure of the accused to appear at the time the case is set for trial or hearing does not, in itself, warrant termination by reason of unavailability.

A case, civil or criminal, should be reported on this line only when the judge, in the exercise of discretion, determines that there is little likelihood that the accused will be available for trial, hearing, or sentencing within a reasonable period of time. The case is reactivated and reported on Line 3 if the accused subsequently becomes available. The indicated time period for termination is suspended for the time the party is unavailable.

A case where a *capias* has been issued after arraignment is an example of a case that appropriately may be terminated on this line.

15. Transfer to Another Judge or Court - Line 15. Cases transferred from the reporting judge to another judge in the same or another court are reported in the appropriate column on Line 15. Cases that had been individually assigned and then transferred to a visiting judge, retired assigned judge, or another judge of the division or court are reported in the appropriate column on this line.

16. Referral to Private Judge - Line 16. Cases transferred from the reporting judge to a "private judge" in accordance with the provisions of section 2701.10 of the Revised Code and Gov. Jud. R. VI are reported in the appropriate column on Line 16. Cases transferred to a visiting judge are not reported on this line. See the prior instructions regarding the visiting judge column.

17. Bankruptcy Stay or Interlocutory Appeal - Line 17. Cases in which a bankruptcy stay has been issued or an interlocutory appeal taken are reported in the appropriate column on Line 17. The trial court's decision on motion to suppress is an example of an action that could be immediately appealed and cause a case to be terminated on Line 17.

In these limited situations, final disposition of a particular case is beyond the control of the trial court. If the bankruptcy stay is removed or the case is remanded, the case is reactivated and reported on Line 3. The indicated time period for termination is suspended for the period the stay is effective or the appeal is pending.

18. Other Terminations - Line 18. Any case terminated in any manner not specifically required to be reported on Lines 5 through 17 is reported in the appropriate column on Line 18. Clerical corrections and consolidated cases are two examples of cases that should be terminated on this line.

A summary judgment, regardless of the decision rendered, shall be reported on Line 18 if it terminates the case.



19. Total - Line 19. The sum of Lines 5 through 18 is reported on Line 19. When added horizontally, the sum of Columns A through I reported in Column T on this line **must** equal the sum of Lines 5 through 18 in Column T.

20. Pending End of Period - Line 20. The number of cases pending with the reporting judge at the close of business on the last day of the reporting period is reported in the appropriate column on Line 20. This figure is obtained by subtracting the number of total terminations (Line 19) from the number of total cases (Line 4).

21. Cases Pending Beyond Time Guideline - Line 21. The number of cases pending with the reporting judge for a period of time in excess of the applicable time guideline is reported on Line 21.

(a) The time guideline for each category of case is indicated on the line immediately above Line 21.

(b) To compute the length of time a case has been pending, the starting date should be the date the case originally was assigned to a reporting judge.

(c) Sup. R. 39 requires that a report be filed with the Administrative Judge (or the Court Statistical Reporting Section of the Supreme Court of Ohio in the case of a single judge court) that indicates the reason any criminal case is pending beyond the time guideline. A simple statement of explanation included on Form A will satisfy this requirement.

22. Number of Months Oldest Case is Beyond Time Guideline - Line 22. The number of months that the **oldest** case reported on Line 21 in each category is pending **beyond** the applicable time guideline is reported in the appropriate column on this line. This is the only line on the report that does not contain a number of cases; instead, this line contains the number of months a given case has been pending beyond the applicable time guideline.

(a) The time guideline for each category of case is indicated on the line immediately above Line 21.

These time guidelines are mandatory and it is expected that all cases will be terminated within the applicable guideline. Benchmark guidelines have been established to help prevent cases from pending beyond the mandatory time. If cases are reviewed at the benchmark time, there will be sufficient time to make adjustments to prevent cases from pending beyond the mandatory time guideline. The suggested benchmark time guidelines are as follows and may be included as part of a court's case management plan as required by Rule 5:

General Division – Form A:

<b>Column</b>	<b>Benchmark Time Guidelines</b>	<b>Mandatory Time Guidelines</b>
Professional Tort	95% @ 18 months	24 months
Product Liability	95% @ 18 months	24 months
Other Torts	95% @ 18 months	24 months
Worker's Compensation	90% @ 9 months	12 months
Foreclosures	90% @ 9 months	12 months
Administrative Appeals	90% @ 6 months	9 months
Complex Litigation	90% @ 24 months	36 months
Other Civil	95% @ 18 months	24 months
Criminal	90% @ 4 months	6 months

(b) To compute the length of time a case has been pending, the starting date should be the date the case originally was assigned to a reporting judge.

23. Cases Submitted Awaiting Sentencing or Judgment Beyond Time Guideline - Line 23. Cases pending beyond the applicable time guideline (as reported on Line 21) that have been submitted to the reporting judge and are awaiting the final judgment or sentencing are reported in the appropriate column on Line 23. Cases pending beyond the applicable time guideline for any other reason are not included on this line.

Cases awaiting presentence investigation shall be reported on this line if the investigation alone has caused the case to remain pending beyond the applicable time guideline.

**E.** The reporting judge must sign and date Form A on the line marked "Judge" and submit the report to the administrative judge.

**F.** The preparer, if other than the judge, must sign and date the report and include his or her telephone number on the line marked "Preparer and telephone number if other than judge."

**G.** The administrative judge of multi-judge divisions must sign and date the form submitted by each judge of the division and file the forms with the Court Statistical Reporting Section of the Supreme Court of Ohio.

**H.** Each judge must conduct an annual physical case inventory and include the date of the most recent inventory in the box provided at the top right hand corner of this form (See Sup. R. 38).

#### **IV. POST-CONVICTION RELIEF PETITIONS – DEATH PENALTY CASES**

**A.** Each administrative judge of the court of common pleas responsible for the disposition of death penalty cases is required to complete a Post-Conviction Relief Petitions form in any month when a post-conviction relief petition or motion was pending for any part of the month. (Sup. R. 39)

**B.** The Post-Conviction Relief Petitions form shall be completed monthly when applicable and submitted by the administrative judge who signs the form and sends it to the Court Statistical Reporting Section of the Supreme Court of Ohio. The form must be received by the Reporting Section by the fifteenth day of the next month and may be filed with the Form A.

**C.** Report Columns – Definitions

The following definitions describe the use of each column for reporting purposes.

1. Case name – Column A. The defendants’ name is recorded in this column.
2. Case number – Column B. The trial court case number shall be reported in this column.
3. Date petition filed – Column C. The date the post-conviction relief petition or motion was filed should be reported in this column including the month, date, and year. This date will be used to determine the age of the case.
4. Date terminated – Column D. The date the petition or motion is terminated will be reported in this column including the month, date, and year. If the petition or motion has not been terminated “pending” should be reported.
5. Number of days pending – Column E. The number of days since the petition or motion was filed (Column C) should be reported in this column. Report the number of actual days including holidays and weekends. Include the number of days for all cases listed, even if terminated during the report period.
6. Time guidelines (days) – Column F. All post-conviction relief petitions have 180 days to be terminated pursuant to Rule 39 of the Rules of Superintendence.
7. Days beyond time guidelines – Column G. Report the number of days a petition or motion was pending beyond 180 days. Include cases that have been terminated during the reporting period. If a case has not been pending beyond 180 days, then report “N/A” for not applicable.
8. Status – Column H. A brief description of the status of all cases shall be reported in this column. A hearing date, a decision release date, or other critical date can be reported.

9. Judge assigned – Column I. All cases listed must have the judge assigned reported in this column.

**D.** The administrative judge must sign the form and file the forms with the Court Statistical Reporting Section of the Supreme Court of Ohio

**E.** The preparer, if other than the administrative judge, must sign the form and include his or her telephone number.

## **V. COURT OF COMMON PLEAS–DOMESTIC RELATIONS DIVISION-FORM B**

**A.** Each judge of the court of common pleas responsible for the disposition of domestic relations cases is required to complete Form B.

**B.** Form B shall be completed monthly and submitted to the administrative judge, who shall sign the form and send it to the Court Statistical Reporting Section of the Supreme Court of Ohio. The form must be received by the Supreme Court by the fifteenth day of the next month.

### **C. Report Columns - Definitions**

Each column is marked with an alphabetic designator. These letters, when used with the horizontal line numbers, may be used to identify any entry.

When a case may be reported in more than one column, it shall be reported **only** in the column that represents the principal issue in controversy. When a complaint is drafted in the alternative, the case may be entered only once; court personnel will be required to use their best judgment as to categorization. Since it is not always possible to determine the principal issue, there will be instances in which arbitrary decisions will have to be made when deciding the proper column for reporting a particular case. This decision should be made based upon information from the attorney or party filing the complaint along with the experience of the court personnel in dealing with similar facts.

If subsequent pleadings or case activity indicate that an incorrect classification initially was made, the case should be terminated on Line 15 and re-entered on Line 3 in the proper column as a case redesignated. The age of the case is determined based on when the case was originally assigned pursuant to Sup. R. 36.

The following definitions as well as Sup. R. 37 describe the types of cases that should be reported in each column.

1. Terminations of Marriages with Children - Column A. This column is used to record cases in which a complaint for divorce, legal separation, or annulment has been filed and there are minor children for whom the allocation of parental rights and responsibilities must be adjudicated. Also enter these cases in this category if there is a parentage issue that must be adjudicated.

2. Terminations of Marriages without Children - Column B. This column is used to record cases in which a complaint for divorce, legal separation, or annulment has been filed, and where there are no minor children for whom the allocation of parental rights and responsibilities must be adjudicated, and where no parentage issue must be adjudicated.

3. Dissolutions of Marriages with Children - Column C. This column is used to record cases in which a petition for dissolution has been filed that includes the allocation of parental rights and responsibilities of minor children.

4. Dissolutions of Marriages without Children - Column D. This column is used to record cases in which a petition for dissolution has been filed that does not include the allocation of parental rights and responsibilities of minor children.

The following three columns (E-G) report post-decree activity; the majority of entries in these columns should be reported on Line 3 as reactivated cases. Where an additional motion is filed in a case already being reported in any given column, the additional motion will not be separately reported. If, upon termination of the original motion, an additional motion remains pending, the case shall be transferred into the appropriate column. To compute the length of time the case has been pending, the starting date should be the date on which the still-pending motion originally was filed.

5. Change of Custody - Column E. This column is used to record cases in which the court must adjudicate a post-decree motion for a change in the allocation of parental rights and responsibilities for the care of a child or children. Motions for change in the allocation of parental rights and responsibilities for the care of a child or children based upon an election of the child, as well as cases where the allocation of parental rights and responsibilities for the care of a child or children is consented to or contested, should be included. Include cases that involve parents, parents and grandparents, or others.

6. Visitation Enforcement/Modification - Column F. This column is used to record cases in which there is a post-decree motion for modification or enforcement of previously awarded visitation rights. Motions for the termination of visitation rights and previously unadjudicated visitation motions also should be reported in this column.

7. Support Enforcement/Modification - Column G. This column is used to record cases in which there is a post-decree motion for modification or enforcement of previously awarded support rights. Motions for the termination of support and previously unadjudicated support motions also should be reported in this column.

8. Domestic Violence - Column H. This column is used to record domestic violence actions that are filed as separate cases pursuant to section 3113.31 of the Revised Code. Miscellaneous matters filed in pending cases (such as motions to evict) should not be reported.

9. UIFSA - Column I. This column is used to record cases filed pursuant to Chapter 3115 of the Revised Code in those courts where UIFSA (Uniform Interstate Family Support Act) matters are docketed in the Domestic Relations Division. Do not use this column if UIFSA actions are docketed in the Juvenile Division.

Include cases initiated in Ohio and cases in which Ohio is the responding state. Cases initiated in Ohio shall be reported as terminated when an acknowledgment of receipt from the receiving state is filed with the court or after a reasonable amount of time has passed to allow for acknowledgment. Cases in which Ohio is the responding state shall be reported as terminated once residency is verified. If support matters remain pending, the case can be reported in Column G-Support Enforcement or Modification.

10. Parentage – Column J. This column is used to record cases in which an action to establish parentage has been filed. Once paternity is established, the case shall be terminated on the appropriate termination line. If support matters are pending, the case shall be redesignated and reported in Column G – Support Enforcement or Modification. For the purpose of calculating the age of the case, a new time guideline applies once the case is redesignated.

11. All Others - Column K. This column is used to record all other cases that may not be appropriately recorded in the specific categories of Columns A through J. Alimony enforcement cases are one example of cases properly reported in this category.

This category is not to be used for recording ancillary matters such as motions filed in pending cases or objections to reports of a magistrate. This report form is not intended to record every matter that may come before the Domestic Relations Division.

12. Total - Column T. This column is the sum of cases in Columns A through K that are on any horizontal line of the form. An entry should appear on each line of this column except Line 19. If no activity is reported in any column on a line, a zero should appear in this column for that line.

13. Visiting Judge - Column V. This column is used to record the activity of a visiting judge, retired assigned judge, or judge assigned from another division of the court, or from another court, who has presided during the reporting period in cases originally assigned to the reporting judge.

During the reporting period, the visiting judge should use a copy of Form B as a worksheet to record his or her activity. These worksheets should then be given to the originally assigned judge at the end of the reporting period, who will tabulate the numbers and include the totals in Column V on his or her report. The Form B filed with the Court Statistical Reporting Section would thus include all of the activity of the reporting judge, as well as all activity performed by judges who assisted the reporting judge during the reporting period.

The work performed by visiting judges will be recorded in the Visiting Judge column (Column V) of the Form B filed by the originally assigned judge. Thus a case may be reported twice: once in Columns A through T for the reporting judge, and once in Column V if work was performed on that case by a visiting judge.

The activity of visiting judges is not reported by category of case on the Form B filed by the originally assigned judge. All of the visiting judge activity, regardless of the type of case, is reported in Column V on the appropriate line of the Form submitted by the originally assigned judge.

In many situations, no entries will appear in Column V for Lines 1 through 4 and 17 through 19. Generally, a visiting or retired assigned judge will not have cases specifically assigned to him or her in another court and these lines will not be applicable.

However, in other situations, a visiting or assigned judge may be responsible for specific cases in a particular court and the information reflected on Lines 1 through 4 and 17 through 19 would be useful to report. For example, if the entry in Column V for Line 18 (Cases Pending Beyond Time Guideline) is a high percentage of the number of cases pending at the end of the period (Line 17) reported in the same column, that could indicate that the visiting judge or judges have been unable to terminate cases for which they have been given responsibility within the applicable time guidelines. The reporting judge and the administrative judge would then have the information necessary to take appropriate corrective action.

The rationale for completing Lines 1 through 4 and 17 through 19 in Column V is thus the same as that for having the originally assigned judge complete these lines: the entries on these lines can be used to identify areas that may need attention or additional resources.

#### **D. Report Lines - Definitions**

Each line on Form B is marked with a numeric designator. These numbers, when used with the vertical column letters, identify any entry that is being amended or questioned.

The following definitions describe the types of case activity that should be reported on each line.

1. Pending Beginning of Period - Line 1. All cases pending at the beginning of the month must be reported in the appropriate column on this line. Line 1 **must** be the same as Line 17 (Pending End of Period) of the Form B filed for the preceding month.

2. New Cases Filed - Line 2. All new cases filed and assigned to the reporting judge during the month must be reported in the appropriate column on this line.

3. Cases Transferred In, Reactivated or Redesignated - Line 3.

(a) A case previously assigned to another judge and transferred to the reporting judge is reported in the appropriate column on this line. For example, this line is used when the reporting judge receives a case because of the recusal or disqualification of the originally assigned judge.

To compute the length of time the case has been pending, the starting date should be the date on which the case originally was assigned to a reporting judge.

(b) All cases individually assigned to the reporting judge that previously have been terminated are to be reported in the appropriate column on Line 3 during any month in which they are reactivated for further proceedings.

Enter a case on this line if it previously has been terminated other than on the merits and has been reinstated without the filing of a new complaint, petition, or notice.



A case previously terminated because of a bankruptcy stay or interlocutory appeal (Line 11) is reactivated and reported in the appropriate column on this line if the stay is lifted or the case is remanded. The indicated time period for termination is suspended for the period of time the stay is effective or the appeal is pending.

A case that has been referred to mediation or conciliation and reported as terminated on Line 10 is reactivated and reported on this line if the mediation or conciliation fails and the case must again be considered by the court.

(c) A case may initially be recorded in a particular column and it may later become apparent that the case should be classified in a different category. In that event, the case should be reported as terminated on Line 15 and reported as a redesignated case in the appropriate column on this line.

For example, a case may erroneously be filed in Column A as a Terminations of Marriage With Children case. Subsequently, it may become apparent that the case should have been filed in Column B. In that situation, the case would be reported as terminated on line 15 (Other Terminations), Column A, and entered as a redesignated case in Column B on this line.

Similarly, a case initially may be recorded in a particular column and later may need reclassified in a different category because of a notice filed by one of the parties. In both circumstances, the age of the case shall be computed using the original filing date.

(d) A case previously terminated on the merits and subsequently remanded from a court of appeals or the Supreme Court is reactivated on Line 3 in the appropriate column. The indicated time period for termination begins upon reactivation.

4. Total - Line 4. The sum of Lines 1, 2, and 3 in each column should be reported on Line 4. When added horizontally, the sum of the entries on Line 4 in Columns A through K **must** equal the sum of Lines 1, 2, and 3 in Column T.

## **TERMINATIONS**

(a) A domestic violence case is considered terminated for report purposes when the dispositional hearing is complete.

(b) All other cases are considered terminated for report purposes when a judgment entry is filed with the clerk for journalization.

(c) Cases involving multiple issues or motions are considered terminated when all the issues or motions are resolved.

5. Judge/Default, Uncontested, Dissolution. Line 5. This line is used for recording uncontested matters. It should be used to record the cases in each category that were terminated as a result of an uncontested hearing personally conducted by the judge.

The term hearing refers to a formal proceeding and contemplates a hearing held after notice to the parties.

If there was more than one hearing, disposition should be recorded in this category if the judge heard the major portions of the case. For example, if a magistrate hears a series of motions but the final hearing is held before the judge, disposition is appropriate on this line, if it is an uncontested matter.

6. Magistrate/Default, Uncontested, Dissolution - Line 6. This line is used for recording uncontested matters. It should be used to record the cases in each category that were terminated primarily through uncontested hearings conducted by a magistrate, with the sole input of the judge being the review of the magistrate's findings and to enter judgment.

The term hearing refers to a formal proceeding and contemplates a hearing held after notice to the parties.

7. Trial by Judge - Line 7. This line is used to record cases in which a defense is presented and the judge hears and determines the case. The determination of the case, and not the setting, is the important element in reporting a case on this line.

8. Trial by Magistrate - Line 8. This line is used to record cases in which a defense is presented and a magistrate hears the case and submits a Report and Recommendation for review by the judge. If, after review, the judge ultimately hears additional contested evidence and decides the case, it should be reported on Line 7.

9. Voluntary Dismissal - Line 9. This line is used to record cases in each category that are terminated as a result of the voluntary withdrawal of the pending action, for any reason, by the person who filed the action.

10. Mediation/Conciliation - Line 10. This line is used to record cases in which a petition for conciliation has been filed that defers further action and prevents or suspends proceedings for divorce, annulment, or legal separation. The indicated time period for disposition is suspended for the period of time in which the conciliation is pending.

If the conciliation petition is filed prior to the pendency of an action for divorce, annulment, or legal separation, the conciliation filing should be recorded in Column J (All Others). If an action for divorce, annulment, or legal separation is filed after termination of conciliation proceedings, the action should be filed as a new case in the appropriate category.

Since the filing of a petition for conciliation defers other actions, a divorce, annulment, or legal separation case should be terminated on this line for reporting purposes when the petition is filed and reactivated, if necessary, on line 3 in the appropriate column.

Cases referred to mediation also are reported on this line in a similar manner.

11. Bankruptcy Stay or Interlocutory Appeal - Line 11. Cases in which a bankruptcy stay has been issued or an interlocutory appeal taken are reported in the appropriate column on Line 11.

In these limited situations, final disposition of a particular case is beyond the control of the trial court. If a bankruptcy stay is removed or the case is remanded, the case is reactivated and reported on Line 3. The indicated time period for termination is suspended for the period of time the stay is effective or the appeal is pending.

12. Transfer to Another Judge or Court - Line 12. Cases transferred from the reporting judge to another judge in the same or another court are reported in the appropriate column on Line 12. Cases that are individually assigned and then transferred to a visiting judge, retired assigned judge, or another judge of the division or court are reported in the appropriate column on this line.

13. Referral to Private Judge - Line 13. Cases transferred from the reporting judge to a "private judge" pursuant to section 2701.10 of the Revised Code and Rule VI of the Supreme Court Rules for the Government of the Judiciary of Ohio are reported in the appropriate column on Line 13.

14. Unavailability of Party for Trial - Line 14. Cases that are terminated, for reporting purposes, because a party is not available for trial are reported on line 14. For example, a party may be unavailable because of mental status, incarceration on other charges, or whereabouts unknown. The failure of a party to appear at the time the case is set for trial or hearing does not, in itself, warrant termination by reason of unavailability.

15. Other Terminations - Line 15. Any case terminated in any manner and not specifically required to be reported on Lines 5 through 13 is reported in the appropriate column on Line 15.

16. Total - Line 16. The sum of Lines 5 through 15 is reported on Line 16. When added horizontally, the sum of columns A through J reported in Column T on this line must equal the sum of Lines 5 through 15 in Column T.

17. Pending End of Period - Line 17. The number of cases pending with the reporting judge at the close of business on the last day of the reporting period is reported in the appropriate column on Line 17.

18. Cases Pending Beyond Time Guideline – Line 18. The number of cases pending with the reporting judge for a period of time in excess of the applicable time guideline is reported on Line 18.

(a) The time guideline for each category of case is indicated on the line immediately above Line 17.

These time guidelines are mandatory and it is expected that all cases will be terminated within the applicable guideline. Benchmark guidelines have been established to help prevent cases from pending beyond the mandatory time. If cases are reviewed at the benchmark time, there will be sufficient time to make adjustments to prevent cases from pending beyond the mandatory time guideline. The suggested benchmark time guidelines are as follows and may be included as part of a courts case management plan as required by Rule 5:

Domestic Relations Division – Form B:

Column	Benchmark Time Guideline	Mandatory Time Guideline
Terminations of Marriage w/ Children	90% @ 12 months	18 months
Terminations of Marriage w/o Children	90% @ 9 months	12 months
Dissolution of Marriage w/ Children	None established	3 months
Dissolutions of Marriage w/o Children	None established	3 months
Change of Custody	None established	9 months
Visitation Enforcement or Modification	90% @ 6 months	9 months
Support Enforcement or Modification	98% @ 6 months; 90% @ 3 months	12 months
Domestic Violence	None established	1 month
U.I.F.S.A.	None established	3 months
Parentage	90% @ 9 months	12 months
All Others	None established	6 months

(b) To compute the length of time a case has been pending, the starting date should be the date on which the case originally was assigned to a reporting judge.

19. Number of Months Oldest Case is Beyond Time Guideline - Line 19. The number of months that the **oldest** case, reported on Line 18 in each category, is pending **beyond** the applicable time guideline is reported in the appropriate column on this line. This is the only line on the report that does not contain a number of cases; instead, this line contains the number of months a given case has been pending beyond the applicable time guideline.

(a) The time guideline for each category of cases is indicated on the line immediately above Line 17.

(b) To compute the length of time a case has been pending, the starting date should be the date on which the case originally was assigned to a reporting judge.

**E.** The reporting judge must sign and date Form B on the line marked "Judge" and submit the report to the administrative judge.

**F.** The preparer, if other than the judge, must sign and date the report and include his or her telephone number on the line marked "Preparer and telephone number if other than judge."

**G.** The administrative judge of a multi-judge domestic relations division must sign and date the form submitted by each judge of the division and file the forms with the Court Statistical Reporting Section of the Supreme Court of Ohio.

**H.** Each judge must conduct an annual physical case inventory and include the date of the most recent inventory in the box provided in the upper right-hand corner of this form. (See Sup. R. 38).

## **VI. COURT OF COMMON PLEAS – PROBATE DIVISION - FORM C**

**A.** Each judge of the court of common pleas responsible for the disposition of probate cases is required to complete Form C.

**B.** Form C shall be completed quarterly and submitted to the administrative judge of a multi-judge division, who signs the form and sends it to the Court Statistical Reporting Section of the Supreme Court of Ohio. The form must be received by the Court Statistical Reporting Section by the fifteenth day following the end of the quarter. The reports will cover the following periods:

January, February, March .....First Quarter  
April, May, June .....Second Quarter  
July, August, September .....Third Quarter  
October, November, December....Fourth Quarter

### **C. Report Columns - Definitions**

Sup. R. 2 and Sup. R. 50 offer specific definitions for individual probate case types.

The first column of numbered lines is to be used to record the activity of the reporting judge. The second column is used to record the activity of a visiting judge, retired assigned judge, or judge assigned from another division of the court, or from another court, who has presided during the reporting period in cases originally assigned to the reporting judge. Generally, in probate courts, the activity of a visiting judge does not terminate a case and, therefore, will not be reported.

During the reporting period, the visiting judge should use a copy of Form C as a worksheet to record his or her activity. These worksheets should then be given to the originally assigned judge at the end of the reporting period, who will tabulate the numbers and include the totals in the Visiting Judge column on his or her report. The Form C filed with the Court Statistical Reporting Section would thus include all of the activity of the reporting judge, as well as all activity performed by judges who assisted the reporting judge during the reporting period.

The work performed by visiting judges will also be recorded in the Visiting Judge column of the Form C filed by the originally assigned judge if that work terminates a case or if the first column for the reporting judge, and once in the Visiting Judge column if work was performed on that case by a visiting judge.

In some situations, an entry will appear in the Visiting Judge column only for the lines reflecting cases closed or terminated. Generally, a visiting or retired assigned judge will not have his or her own docket in another court from one reporting period to another, and the other lines concerning cases pending and filed will not be applicable.

However, in other situations, since a visiting or retired assigned judge may be responsible for specific cases in a particular court over a continuous period of time, the information reflected on the lines concerning cases filed and pending would be useful to report.

#### **D. Report Lines - Definitions**

**Decedents' Estates:** This category is used to report all cases generally resulting from a death. Tax only cases, releases from administration, foreign executors and administrators, and authentication of wills are a few examples of cases reported on these lines in addition to standard decedent estate cases. Wrongful death actions may be reported here if not reported in a separate category.

1. Pending at End of Preceding Quarter - Line 1. This line is used to report the number of cases pending at the end of the preceding quarter. This line **must** be the same as Line 4 (Pending At End of Quarter) of the Form C filed for the preceding quarter.

2. Filed During Quarter - Line 2. This line is used to report the number of new cases filed during the quarter as well as filings for release from administration under section 2113.03 of the Revised Code and other actions resulting from a death.

3. Closed During Quarter - Line 3. This line is used to report the number of cases closed during the quarter. Closed is the equivalent of terminated but the normal probate definition of order upon settlement of the final account constitutes the closing of an estate.

4. Pending at End of Quarter - Line 4. The number of cases pending at the end of the quarter is reported on this line. The sum of cases pending at the end of the preceding quarter (Line 1), plus new cases filed (Line 2), minus cases closed during the quarter (Line 3), **must** equal the cases pending at the end of the quarter (Line 4).

5. Number in Which Accounts are Past Due - Line 5. This line is used to report the number of cases pending at the end of the quarter (Line 4) that have past due interim or final accounts.

6. Number of Notices to File Accounts or Citations Issued - Line 6. This line is used to report the number of notices to file accounts or citations issued during the report period. The requirement does not link the number of notices or citations to the number of cases. Thus, if multiple notices or citations are issued in a single case, or to the same person, each notice or citation issued should be counted. The requirement applies to all accounts, not only final accounts. An entry should be made on this line whether the case was closed during the quarter or is still pending at the end of the quarter.

**Guardianships:** This category is used to report all cases regarding guardianship matters. For reporting purposes, the specifics of the guardianship (i.e. amount of money involved) is not significant.

7-14. Guardianships of Minors (Lines 7 through 10) and Guardianships of Incompetents (Lines 11 through 14) are reported in the same manner as Lines 1 through 4 above.

15. Line 15 is used to record the number of Emergency, Limited, and Interim Guardians appointed during the quarter.

Some guardianship cases may be reported on more than one line. For example, an application for the appointment of a guardian for an incompetent filed during the quarter will be recorded on Line 12. If a Limited Guardian is appointed in the same case that quarter, an entry also would be made on Line 12.

### Conservatorships

16-19. Lines 16 through 19 are completed for conservatorships in the same manner as Lines 1 through 4 are completed for decedents' estates.

### Testamentary Trusts

20-23. Lines 20 through 23 are completed for testamentary trusts in the same manner as Lines 1 through 4 are completed for decedents' estates.

### Guardianships, Conservatorships, and Testamentary Trusts

24. Number in Which Accounts are Past Due - Line 24. This line is used to report the total number of guardianships, conservatorships, and testamentary trusts pending at the end of the quarter (Lines 10, 14, 19, and 23) that have past due interim or final accounts.

25. Number of Notices to File Accounts, or Citations Issued - Line 25. This line is used to report the total number of notices to file accounts or citations issued during the quarter in guardianships, conservatorships, and testamentary trusts. The requirement does not link the number of notices or citations to the number of cases. Thus, if multiple notices or citations are issued in a single case, or to the same person, each notice or citation issued should be counted. The requirement applies to all accounts, not only final accounts. An entry should be made on this line whether the case was closed during the quarter or is still pending at the end of the quarter.

### Civil Actions

26-29. Examples of the types of cases to be reported on these lines are listed on the report form and include appropriation cases, land sales, declaratory judgments, will contests, determination of heirs, and concealment of assets. Nonadversarial civil actions are not to be reported in this category or elsewhere on this report form.

Lines 26 through 29 are completed in the same manner as Lines 1 through 4 are completed for decedents' estates.



Adoptions, Mental Illness and Mental Retardation; Minors' Settlements; Wrongful Death; Delayed Registration of Birth and Correction of Birth; Change of Name

30-49. Lines 30 through 49 are completed in the same manner as Lines 1 through 4 are completed for decedents' estates. Wrongful death cases are not to be reported in both the Decedents' Estates category and the Wrongful Death category at the same time.

#### Marriage Applications

50. Line 50 is used to report the number of marriage applications granted during the quarter. The action taken by the applicants once the application is granted is not significant for reporting purposes.

**E.** The reporting judge must sign and date Form C on the line marked "Judge" on page 2 and submit the report to the administrative judge.

**F.** The preparer, if other than the judge, must sign and date the report and include his or her telephone number on the line marked "Preparer and telephone number if other than judge."

**G.** The administrative judge of a multi-judge probate division must sign and date the form submitted by each judge of the division and file the forms with the Court Statistical Reporting Section of the Supreme Court of Ohio.

**H.** Each judge must conduct an annual physical case inventory and include the date of the most recent inventory in the box provided in the upper right hand corner of this form. (See Sup. R. 38)

## **VII. COURT OF COMMON PLEAS – JUVENILE DIVISION - FORM D**

**A.** Each judge of the court of common pleas responsible for the disposition of juvenile cases is required to complete Form D.

**B.** Form D shall be completed monthly and submitted to the administrative judge, who shall sign the form and send it to the Court Statistical Reporting Section of the Supreme Court of Ohio. The form must be received by the Supreme Court by the fifteenth day of the next month.

### **C. Report Columns - Definitions**

Each column is marked with an alphabetic designator. These letters, when used with the horizontal line numbers, may be used to identify any entry.

Each case in any given column should represent a youth dealt with by the juvenile court on a new referral regardless of the number of charges contained in that referral. A youth charged with three burglaries in a single referral should be reported as one case, while a youth charged with three burglaries in one referral and the following week is charged with two more burglaries should be reported as two cases.

When a case may be reported in more than one column, it shall be reported **only** in the column that represents the principal issue in controversy. When a complaint is drafted in the alternative, the case may be entered only once and court personnel will be required to use their best judgment as to categorization. Since it is not always possible to determine the principal issue, there will be instances in which arbitrary decisions will have to be made when deciding the proper column for reporting a particular case. This decision should be made based upon information from the attorney or party filing the complaint along with the experience of the court personnel in dealing with similar facts.

If subsequent pleadings or case activity indicate that an incorrect classification initially was made, the case should be terminated on line 15 and reentered on line 3 in the proper column as a case redesignated. The age of the case shall be computed based on the original filing date.

The following definitions describe the types of cases that should be reported in each column.

1. Delinquency - Column A. This column is used to record cases concerning a delinquent child, as defined by section 2152.02 (F) of the Revised Code. For further clarification, see Sup. R. 2 and Sup. R. 37.

2. Traffic - Column B. This column is used to record cases concerning a juvenile traffic offender, as defined by section 2152.021 of the Revised Code.

3. Dependency, Neglect, or Abuse - Column C. This column is used to record cases concerning a neglected child, as defined by section 2151.03 of the Revised Code, a dependent child, as defined by section 2151.04 of the Revised Code, and an abused child, as defined by

section 2151.031 of the Revised Code. If an action originally entered correctly in this category is later changed to an action for permanent custody, the case should be reported as terminated on line 15 (Other Terminations), and reported in Column F on line 3 as a redesignated case.

4. Unruly - Column D. This column is used to record cases concerning an unruly child, as defined by section 2151.022 of the Revised Code.

5. Adult Cases - Column E. This column is used to record cases in which an adult is the defendant in a case brought pursuant to Chapters 2151., 2129., and 3321. of the Revised Code.

6. Motion for Permanent Custody - Column F. This column is used to record cases in which a complaint or motion for permanent custody has been filed. Permanent custody denotes the termination of all parental rights in the parent-child relationship. This column is to be used when custody is contested or voluntarily relinquished.

7. Custody, Change of Custody, Visitation - Column G. This column is used to record cases in which a motion for change of custody, other than permanent custody as defined above for Column F, is filed.

An application for a writ of habeas corpus involving the custody of a child also should be reported in this column.

8. Support Enforcement/Modification - Column H. This column is used to record the filing of motions for support, modification of support, objections to support orders, and enforcement of support involving action by the court. Support matters handled entirely by outside agencies shall not be reported in this column or anywhere else on this report form.

9. Parentage - Column I. This column is used to record cases in which an action to establish parentage has been filed. Once paternity is established, the case shall be terminated on the appropriate termination line. If support matters are pending, the case shall be redesignated and reported in Column H – Support Enforcement or Modification. For the purposes of calculating the age of the case, a new time guideline applies once the case is redesignated.

10. UIFSA - Column J. This column is used to record cases filed pursuant to Chapter 3115. of the Revised Code in those courts where UIFSA (Uniform Interstate Family Support Act) matters are docketed in the Juvenile Division. Do not use this column if UIFSA actions are docketed in the Domestic Relations Division.

Include cases initiated in Ohio and cases in which Ohio is the responding state. Cases initiated in Ohio shall be reported as terminated when an acknowledgement of receipt from the receiving state is filed with the court or after a reasonable amount of time has passed to allow for acknowledgment. Cases in which Ohio is the responding state shall be reported as terminated once residency is verified. If support matters remain pending the case can be redesignated and reported in Column H – Support Enforcement or Modification. For the purposes of calculating the age of the case, a new time guideline applies once the case is redesignated.

11. All Others - Column K. This column is used to record cases that are not appropriately recorded in the specific categories for Columns A through J.

This category is used for recording ancillary actions such as applications for expungement (R.C. 2151.358), marriage, mental illness or other miscellaneous motions other than probation violations.

12. Total - Column T. This column is the sum of cases in columns A through K that are on any horizontal line of the form. An entry should appear on each line of this column except Line 19. If no activity is reported in any column on a line, a zero should appear in the Total column for that line.

13. Visiting Judge - Column V. This column is used to record the activity of a visiting judge, retired assigned judge, or judge assigned from another division of the court who has presided during the reporting period in cases originally assigned to the reporting judge.

During the reporting period, the visiting judge should use a copy of Form D as a worksheet to record his or her activity. These worksheets should then be given to the originally assigned judge at the end of the reporting period, who will tabulate the numbers and include the totals in Column V on his or her report. The Form D filed with the Court Statistical Reporting Section would thus include all of the activity of the reporting judge, as well as all activity performed by judges who assisted the reporting judge during the reporting period.

The work performed by visiting judges will also be recorded in the Visiting Judge column (Column V) of the Form D filed by the originally assigned judge. Thus a case may be reported twice: once in Columns A through T for the reporting judge, and once in Column V if work was performed on that case by a visiting judge.

The activity of visiting judges is not reported by category of case on the Form D filed by the originally assigned judge. All of the visiting judge activity, regardless of the type of case, is reported in Column V on the appropriate line of the Form D submitted by the originally assigned judge.

In many situations, no entries will appear in Column V for Lines 1 through 4 and 17 through 19. Generally, a visiting or retired assigned judge will not have his or her own docket in another court from one reporting period to another, and these lines will not be applicable.

However, in other situations, a visiting or assigned judge may be responsible for specific cases in a particular court over a continuous period of time that the information reflected on Lines 1 through 4 and 17 through 19 would be useful to report. For example, if the entry in Column V for Line 18 (Cases Pending Beyond Time Guideline) is a high percentage of the number of cases pending at the end of the period (Line 17) reported in the same column, that would indicate that the visiting judge or judges have been unable to terminate cases for which they have been given responsibility within the applicable time guidelines. The reporting judge

and the administrative judge would then have the information necessary to take appropriate corrective action.

The rationale for completing Lines 1 through 4 and 17 through 19 in Column V is thus the same as that for having the originally assigned judge complete these lines: the entries on these lines can be used to identify areas that may need attention or additional resources.

#### **D. Report Lines - Definitions**

Each line on Form D is marked with a numeric designator. These numbers, when used with the vertical column letters, may be used to identify any entry.

The following describe the types of case activity that should be reported on each line.

1. Pending Beginning of Period - Line 1. All cases pending at the beginning of the reporting period must be reported in the appropriate column on this line. Line 1 **must** be the same as Line 17 (Pending End of Period) of the Form D filed for the preceding month.

2. New Cases Filed - Line 2. All new cases filed and assigned to the reporting judge during the month must be reported in the appropriate column on this line.

For purposes of this report, a Delinquency, Traffic, or Adult case is considered to be filed when the warrant or summons in lieu of warrant is issued. A Dependency, Neglect or Abuse, Unruly, Motion for Permanent Custody, Custody, Change of Custody, Visitation, Support Enforcement or Modification, Parentage, or UIFSA case is considered to be filed when a complaint is filed.

3. Cases Transferred In, Reactivated, or Redesignated - Line 3.

(a) Where a juvenile case is transferred to the reporting court from another county or from another court or division within the county, it is reported on line 3 as a case transferred in. A new case number may be assigned.

A case previously assigned to another judge and transferred to the reporting judge is reported in the appropriate column on this line. For example, this line is used when the reporting judge receives a case because of the recusal or disqualification of the originally assigned judge.

(b) All cases individually assigned to the reporting judge that previously have been terminated other than on the merits are reported in the appropriate column on Line 3 during any month in which they are reactivated for further proceedings.

Enter a case on this line if it previously has been terminated other than on the merits and has been reinstated without the filing of a new complaint, petition, or notice.

A case previously terminated because of an interlocutory appeal or order is reactivated and reported in the appropriate column on this line if the case is remanded. The indicated time period is suspended for the period of time in which the appeal is pending.

A Delinquency, Traffic, Adult, Parentage, or UIFSA case that previously has been terminated for reporting purposes because of the unavailability of the party (Line 11) is reactivated and reported on this line if the party subsequently becomes available. The indicated time guideline for termination is suspended for the time the party is unavailable.

(c) A case previously terminated on the merits and subsequently remanded from a court of appeals or the Supreme Court is reactivated on Line 3 in the appropriate column. The indicated time period for termination begins upon reactivation.

(d) A case may initially be reported in a particular column and it may later become apparent that the case should be classified in a different category. In that event, the case should be recorded as terminated on line 14 and reported as a redesignated case in the appropriate column on this line.

For example, a case may erroneously be filed in Column A as a Delinquency case. Subsequently, it may become apparent that the case should have been filed as a Traffic case. In that situation, the case would be reported as terminated on Line 15 (Other Terminations), Column A, and entered as a redesignated case in Column B of this line.

4. Total - Line 4. The sum of Lines 1, 2, and 3 in each column should be reported on Line 4. When added horizontally, the sum of the entries on Line 4 in Columns A through K **must** equal the sum of Lines 1, 2, and 3 in Column T.

## **TERMINATIONS**

For reporting purposes, cases are considered terminated when a judgment entry is filed with the clerk for journalization.

5. Trial by Judge - Line 5. Line 5 is used for contested cases. This line is used to report the cases in each category that were terminated as a result of an adjudicatory and dispositional hearing or, when disposition of a case may properly be made in a single hearing or set of hearings, by the judge without the use of a magistrate for the substantive hearings.

A case properly is reported on this line if, in addition to the initial requirements above, judgment is entered after the first witness is sworn. Thus, if after the first witness is sworn a case is settled or dismissed or the accused changes his or her plea, the case is reported as terminated on this line. Paternity cases may be reported here if evidence is presented to dispute the results of a blood test.

Cases that are dismissed pursuant to Juv. R. 29(F)(1), not proved dismissal, and 29(F)(2)(d), best interest dismissal, are reported on lines 5 or 6, as appropriate.

6. Trial by Magistrate - Line 6. Line 6 is used for contested cases. This line is used when the same criteria as that required for line 5 has been met, except that the substantive hearings have been held by a magistrate.

7. Dismissal by Party, Judge or Prosecutor - Line 7. This line is used to report cases that are terminated by the judge, prosecutor, or the party bringing the complaint.

Delinquency, Traffic, Unruly, Adult, and Parentage cases are reported on this line if, before or after pre-trial conference, but prior to the swearing of the first witness, the case is dismissed by the judge, prosecutor, or party.

8. Admission to Judge - Line 8. Line 8 is used to report uncontested cases that are terminated by admission, default, or agreement before a judge.

A Delinquency or Traffic case in which the accused admits the underlying offense charged or admits a lesser offense is reported on this line.

9. Admission to Magistrate - Line 9. This line is used to report uncontested cases that are terminated by admission, default, or agreement before a magistrate.

A Delinquency or Traffic case in which the accused admits the underlying offense charged or admits a lesser offense is reported on this line.

10. Certification/Waiver Granted - Line 10. This line is used exclusively for the delinquency column to report cases transferred for criminal prosecution to the appropriate court having jurisdiction of the offense in accordance with section 2151.26 of the Revised Code. These cases are commonly referred to as "bindovers" and will include discretionary as well as mandatory bindovers.

This line is not used to report those cases in which a motion to transfer has been denied, since the denial would require disposition of the case based upon the complaint filed. Those cases may be reported on Line 5.

11. Unavailability of Party for Trial - Line 11. Cases that are terminated, for reporting purposes, because a party is not available for hearing or trial are reported on Line 11. For example, a party may be unavailable because of mental status, incarceration on other offenses, or flight from custody. The failure of the party to appear at the time the case is set for trial does not, in itself, warrant the termination of the case for unavailability.

A case should be reported on this line only when the judge, in the exercise of discretion and in accordance with court policy, determines that there is little likelihood that the party will be available for trial within a reasonable period of time.

The case is reactivated and reported on Line 3 if the party subsequently becomes available. The indicated time period for termination is suspended during the time the party is unavailable.

12. Transfer to Another Judge or Court - Line 12. Cases transferred from the reporting judge to another judge in the same court or a judge of another court pursuant to Juv. R. 11 are reported in the appropriate column on Line 12. Cases that had been individually assigned and then transferred to a visiting judge, retired assigned judge, or another judge of the division or court are reported in the appropriate column on this line.

13. Referral to Private Judge - Line 13. Cases transferred from the reporting judge to a "private judge" pursuant to section 2701.10 of the Revised Code and Rule VI of the Supreme Court Rules for the Government of the Judiciary of Ohio are reported in the appropriate column on Line 13.

14. Interlocutory Appeal/Order - Line 14. This line is used to report a case that has been appealed prior to final disposition.

If the case is remanded, the case is reactivated and reported on Line 3. The indicated time period for termination is suspended during the period of time in which the stay is effective.

This line also should include all case plans approved or modified and all other interlocutory orders.

15. Other Terminations - Line 15. Any case terminated in any manner and not specifically required to be reported on Lines 5 through 14 is reported in the appropriate column on Line 15.

16. Total - Line 16. The sum of Lines 5 through 15 is reported on Line 16. When added horizontally, the sum of Columns A through K reported in Column T on this line **must** equal the sum of Lines 5 through 15 in Column T.

17. Pending End of Period - Line 17. The number of cases pending with the reporting judge at the close of business on the last day of the reporting period is reported in the appropriate column on Line 17.

18. Cases Pending Beyond Time Guideline - Line 18. The number of cases pending with the reporting judge for a period of time in excess of the applicable time guideline is reported on Line 18.

(a) The time guideline for each category of case is indicated on the line immediately above Line 18.

These time guidelines are mandatory and it is expected that all cases will be terminated within the applicable guideline. Benchmark guidelines have been established to help prevent cases from pending beyond the mandatory time. If cases are reviewed at the benchmark time, there will be sufficient time to make adjustments to prevent cases from pending beyond the



mandatory guideline. The suggested benchmark time guidelines are as follows and may be included as part of a courts case management plan as required by Rule 5:

Juvenile Division – Form D:

Column	Benchmark Time Guidelines	Mandatory Time Guidelines
Delinquency	Not established	6 months
Traffic	Not established	3 months
Dependency, Neglect or Abuse	Not established	3 months
Unruly	Not established	3 months
Adult Cases	Not established	6 months
Motion for Permanent Custody	Not established	9 months
Custody, Change of Custody, Visitation	90 % @ 6 months	9 months
Support Enforcement/Modification	90% @ 3 months; 98% @ 6 months	12 months
Parentage	90% @ 9 months	12 months
U.I.F.S.A.	Not established	3 months
All others	Not established	6 months

(b) To compute the length of time a case has been pending, the starting date should be the date on which the case originally was assigned to a reporting judge.

19. Number of Months Oldest Case is Beyond Time Guideline - Line 19. The number of months that the **oldest** case is pending **beyond** the applicable time guideline is reported in the appropriate column on this line. This is the only line on Form D that does not contain a number of cases; instead, this line contains the number of months a given case has been pending beyond the applicable time guideline.

(a) The time guideline for each category of case is indicated on the line immediately above Line 18.

(b) To compute the length of time a case has been pending, the starting date should be the date on which the case originally was assigned to a reporting judge.

20. Number of Informal cases - Line 20. This line is used to report the number of cases heard informally and not officially filed. These cases may also be referred to as unofficial cases and should include cases where no case number was assigned.

**E.** The reporting judge must sign and date Form D on the line marked "Judge" and submit the report to the administrative judge.

**F.** The preparer, if other than the judge, must sign and date the report and include his or her telephone number on the line marked "Preparer and telephone number if other than judge."

**G.** The administrative judge of a multi-judge juvenile division must sign and date the form submitted by each judge of the division and file the forms with the Court Statistical Reporting Section of the Supreme Court of Ohio.

**H.** Each judge must conduct an annual physical case inventory and include the date of the most recent inventory in the box provided in the upper right hand corner of this form. (See C.P. Sup. R. 38)

## VIII. COMMON PLEAS COURT (ALL DIVISIONS) – REPORT OF CONTINUANCES TO ADMINISTRATIVE JUDGE

A. Prior to the amendments effective January 1, 1990, C.P. Sup. R. 7 (d) required each general division judge to report monthly to the Supreme Court on continuances requested, granted, and the reasons for the requests; reporting was done on Form 14.

As amended effective January 1, 1997, C.P. Sup. R. 41 provides for similar reporting by the judges of **all** divisions of the Common Pleas Court. Reporting is to be made to the administrative judge, who is directed to take corrective action if he or she determines that an inappropriate number of continuances are being granted by the reporting judge. Reporting is to be made to the Court Statistical Reporting Section only if the administrative judge is unable to effect corrective action. Thus, this report is an internal case management tool for the local court, like the Report of Motions and Submitted Cases.

The form contains the same information in the same format as Form 14 used prior to January 1, 1990. The information on this report is not required to be kept in this exact format, nor is the report filed with the Court Statistical Reporting Section of the Supreme Court. This form is offered to the local courts as a model for duplication or modification. Forms will **not** be supplied to the local courts.

B. This form is used to report the number of trial continuances requested and granted, and the reasons continuances were granted. Continuances of proceedings other than trials should **not** be reported. The rule provides that reporting should be made on a monthly basis.

### C. Report Columns – Definitions

1. Attorney's Name – Column A. The name of the attorney requesting the continuance should be listed last name first, then first name, then middle initial.

2. Number of Continuances Requested – Column B. Enter the number of continuances requested by the attorney during the reporting period.

3. Number of Continuances Granted – Column C. Enter the number of continuances granted to the attorney during the reporting period.

Reasons (Columns D-H). This section is used to indicate the reasons continuances were granted. The sum of columns D-H should equal the entry in Column C.

Prior to the amendments effective January 1, 1990, these columns were used to indicate the reasons advanced for each continuance requested. Effective January 1, 1990, these columns are used to report the reasons continuances were **granted**, since a purpose of the report is to identify situations where and inappropriate number of continuances are being granted.

4. Engaged Counsel – Column D. Engaged counsel is defined as counsel engaged in or subject to appearances for trial or a hearing on another case in any court or state or federal administrative agency at the time the case is scheduled for trial.

5. Witness/Party Unavailable – Column E. Witness unavailable includes unavailability of a witness for any of the reasons for which a deposition might have been authorized in lieu of live testimony under Civ. R. 32 (A)(3)(a) through (e), or the unavailability of a party for any reason other illness or vacation.

6. Illness – Column F. Illness of trial counsel, party, or judge of sufficient seriousness to warrant the granting of a continuance.

7. Vacation – Column G. Absence due to vacation of trial counsel, party, or judge.

8. Other – Column H. Any other reason for which a continuance may be granted.

**D. Report Lines – Definitions**

1. Lines 1 through 14 are used to list the appropriate information for Columns A through H.

2. Line 15, Totals, is used to tabulate the number of entries under each of the Columns A through H.

## **IX. COURT OF COMMON PLEAS (ALL DIVISION) AND MUNICIPAL AND COUNTY COURTS-REPORT OF MOTIONS AND SUBMITTED CASES TO ADMINISTRATIVE JUDGE**

**A.** Prior to the amendments effective January 1, 1990, each municipal and county court judge filed with the Supreme Court a report of motions and submitted cases pending beyond an established number of days; Form F, "Motions and Submitted Cases."

Sup. Rule 40 requires that a similar report be made **only** to the administrative judge, who is empowered to take corrective action to rectify delays in the rendering of decisions by judges within the court on motions and submitted cases. The administrative judge must report to the Court Statistical Reporting Section of the Supreme Court only if he or she is unable to rectify any delays within 60 days. Thus, this report form is essentially an internal case management tool for the local court. The Rule does not specify how frequently this report is to be made.

The information on this report is not required to be kept in this exact format, and the report is **not** to be filed with the Court Statistical Reporting Section of the Supreme Court. This form is offered to the local courts as a model for duplication or modification. Forms will **not** be supplied to the local courts.

**B.** All cases submitted for determination after a court trial should be decided within 90 days from the date the case was submitted.

**C.** All motions should be ruled upon within 120 days from the date the motion was filed, unless the report form for the particular division of the court specifies a different time guideline.

**D.** Each judge shall report to the administrative judge all motions and decisions that have not been ruled upon within the applicable time period. The administrative judge shall confer with the judge who has motions pending beyond the applicable time period to determine the reasons for the delay. If the administrative judge determines that there is no just cause for the delay, the administrative judge shall seek to rectify the delay within 60 days. If the delay is not rectified within 60 days, the administrative judge shall report the delay in the rulings to the Court Statistical Reporting Section of the Supreme Court.

In a single judge court, if the judge has not resolved the delay, the judge shall report the delay in the rulings to the Court Statistical Reporting Section within 180 days from the date of the filing of the motion or the submission of the case.

This reporting requirement also applies to visiting or retired judges sitting by assignment of the Chief Justice of the Supreme Court.

## **E. MOTIONS SECTION**

1. Definition. Motions include any written motion filed in a case for which the reporting judge has responsibility. This does not include cases originally assigned to the reporting judge, but subsequently transferred to another judge.

2. Computation of time. The 120 day period begins to run on the date the written motion is filed. For reporting purposes, only those motions that have been pending for more than 120 days from the date filed and that are pending as of the last day of the period must be reported.

### **3. Report Lines - Definitions**

Line 1. This line is used to report the number of written motions pending in cases assigned to the reporting judge for more than 120 days as of the end of the reporting period.

Line 2. This line is not to contain a number of cases, but rather is to report the number of days the oldest motion has been awaiting a decision. If no pending motion is more than 120 days old, a zero should be entered on this line.

## **F. SUBMITTED CASES SECTION**

1. Definition. Submitted cases include all cases submitted to a judge or magistrate, in the absence of a jury, for decision. A case is considered submitted when it is ready for decision.

2. Computation of time. The 90 day period begins to run on the day the case is ready for decision by the judge or magistrate. For reporting purposes, only submitted cases that have been pending for more than 90 days from the date that the case is ready for decision and that are pending as of the last day of the report period must be reported.

The 90 day period normally will begin to run on the day the trial is concluded. In some cases, post-trial proceedings will occur, such as the filing of post-trial briefs. In those situations, the 90 day period does not begin to run until all proceedings have been concluded and the case is ready for decision.

### **3. Report Lines - Definitions**

Line 1. This line is used to report the number of cases assigned to the reporting judge as of the last day of the reporting period that have been pending for more than 90 days from the date the case was ready for decision.

Line 2. This line is not to contain a number of cases, but rather is to report the number of days the oldest case has been awaiting a decision. If no case has been pending more than 90 days from the date submitted, the oldest pending case does not have to be reported and zero should be entered on this line.

**G. CASES TAKEN BY ASSIGNMENT SECTION**

1. Definition. Cases taken by assignment include all cases filed and originally assigned to the docket of a judge in a court other than that of the reporting judge, and subsequently assigned to the reporting judge pursuant to assignment by the Chief Justice of the Supreme Court.

2. Computation of Time. The 90 and 120 day periods are computed in the same manner as explained under the Motions and Submitted Cases sections above, and the entries on these lines of the report are to be made using the same criteria.